

Calendar No. 179

105TH CONGRESS  
1ST Session

**S. 738**

[Report No. 105-85]

**A BILL**

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

SEPTEMBER 24, 1997

Reported with amendments

## Calendar No. 179

105TH CONGRESS  
1ST SESSION**S. 738****[Report No. 105–85]**

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

MAY 14, 1997

Mrs. HUTCHISON (for herself, Mr. ROTH, Ms. SNOWE, Mr. ROBERTS, Mr. HUTCHINSON, Mr. CHAFEE, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 24, 1997

Reported by Mr. MCCAIN, with amendments

[Omit the part struck through and insert the part printed in *italic*]**A BILL**

To reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
 2       *tives of the United States of America in Congress assembled,*  
 3       **SECTION 1. SHORT TITLE; TABLE OF SECTIONS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
 5       “Amtrak Reform and Accountability Act of 1997”.

- 1 (b) TABLE OF SECTIONS.—The table of sections for  
 2 this Act is as follows:

Sec. 1. Short title; table of sections.  
 Sec. 2. Findings.

#### TITLE I—REFORMS

##### Subtitle A—Operational Reforms

Sec. 101. Basic system.  
 Sec. 102. Mail, express, and auto-ferry transportation.  
 Sec. 103. Route and service criteria.  
 Sec. 104. Additional qualifying routes.  
 Sec. 105. Transportation requested by States, authorities, and other persons.  
 Sec. 106. Amtrak commuter.  
 Sec. 107. Through service in conjunction with intercity bus operations.  
 Sec. 108. Rail and motor carrier passenger service.  
 Sec. 109. Passenger choice.  
 Sec. 110. Application of certain laws.

##### Subtitle B—Procurement

Sec. 121. Contracting out.

##### Subtitle C—Employee Protection Reforms

Sec. 141. Railway Labor Act Procedures.  
 Sec. 142. Service discontinuance.

##### Subtitle D—Use of Railroad Facilities

Sec. 161. Liability limitation.  
*Sec. 162. Retention of facilities.*

#### TITLE II—FISCAL ACCOUNTABILITY

Sec. 201. Amtrak financial goals.  
 Sec. 202. Independent assessment.  
 Sec. 203. Amtrak Reform Council.  
 Sec. 204. Sunset trigger.  
 Sec. 205. Access to records and accounts.  
 Sec. 206. Officers' pay.  
 Sec. 207. Exemption from taxes.

#### TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

#### TITLE IV—MISCELLANEOUS

Sec. 401. Status and applicable laws.  
 Sec. 402. Waste disposal.  
 Sec. 403. Assistance for upgrading facilities.  
 Sec. 404. Demonstration of new technology.  
 Sec. 405. Program master plan for Boston-New York main line.  
 Sec. 406. Americans with Disabilities Act of 1990.

Sec. 407. Definitions.

Sec. 408. Northeast Corridor cost dispute.

Sec. 409. Inspector General Act of 1978 amendment.

Sec. 410. Interstate rail compacts.

Sec. 411. Composition of Amtrak board of directors.

*Sec. 412. Educational participation.*

*Sec. 413. Report to Congress on Amtrak bankruptcy.*

*Sec. 414. Amtrak to notify Congress of lobbying relationships.*

## 1 **SEC. 2. FINDINGS.**

2       The Congress finds that—

3               (1) intercity rail passenger service is an essen-  
4       tial component of a national intermodal passenger  
5       transportation system;

6               (2) Amtrak is facing a financial crisis, with  
7       growing and substantial debt obligations severely  
8       limiting its ability to cover operating costs and jeop-  
9       ardizing its long-term viability;

10              (3) immediate action is required to improve  
11       Amtrak's financial condition if Amtrak is to survive;

12              (4) all of Amtrak's stakeholders, including  
13       labor, management, and the Federal government,  
14       must participate in efforts to reduce Amtrak's costs  
15       and increase its revenues;

16              (5) additional flexibility is needed to allow Am-  
17       trak to operate in a businesslike manner in order to  
18       manage costs and maximize revenues;

19              (6) Amtrak should ensure that new manage-  
20       ment flexibility produces cost savings without com-  
21       promising safety;

1           (7) Amtrak's management should be held ac-  
 2           countable to ensure that all investment by the Fed-  
 3           eral Government and State governments is used ef-  
 4           fectively to improve the quality of service and the  
 5           long-term financial health of Amtrak;

6           (8) Amtrak and its employees should proceed  
 7           quickly with proposals to modify collective bargain-  
 8           ing agreements to make more efficient use of man-  
 9           power and to realize cost savings which are nec-  
 10          essary to reduce Federal financial assistance;

11          (9) Amtrak and intercity bus service providers  
 12          should work cooperatively and develop coordinated  
 13          intermodal relationships promoting seamless trans-  
 14          portation services which enhance travel options and  
 15          increase operating efficiencies; ~~and~~

16          (10) *Amtrak's Strategic Business Plan calls for*  
 17          *the establishment of a dedicated source of capital*  
 18          *funding for Amtrak in order to ensure that Amtrak*  
 19          *will be able to fulfill the goals of maintaining—*

20                 *(A) a national passenger rail system; and*

21                 *(B) that system without Federal operating*  
 22                 *assistance; and*

23          ~~(10)~~ (11) Federal financial assistance to cover  
 24          operating losses incurred by Amtrak should be elimi-  
 25          nated by the year 2002.

1                   **TITLE I—REFORMS**  
 2       **Subtitle A—Operational Reforms**

3   **SEC. 101. BASIC SYSTEM.**

4           (a) OPERATION OF BASIC SYSTEM.—Section 24701  
 5 of title 49, United States Code, is amended to read as  
 6 follows:

7   **“§ 24701. Operation of basic system**

8           “Amtrak shall provide intercity rail passenger trans-  
 9 portation within the basic system. Amtrak shall strive to  
 10 operate as a national rail passenger transportation system  
 11 which provides access to all areas of the country and ties  
 12 together existing and emergent regional rail passenger  
 13 corridors and other intermodal passenger service.”.

14          (b) IMPROVING RAIL PASSENGER TRANSPOR-  
 15 TATION.—Section 24702 of title 49, United States Code,  
 16 and the item relating thereto in the table of sections of  
 17 chapter 247 of such title, are repealed.

18          (c) DISCONTINUANCE.—Section 24706 of title 49,  
 19 United States Code, is amended—

20               (1) by striking “90 days” and inserting “180  
 21 days” in subsection (a)(1);

22               ~~(2) by striking “a discontinuance under section~~  
 23               ~~24707(a) or (b) of this title” in subsection (a)(1)~~  
 24               and inserting “discontinuing service over a route”;

1           (2) *by striking “24707(a) or (b) of this title,” in*  
 2           *subsection (a)(1) and inserting “discontinuing service*  
 3           *over a route,”;*

4           (3) by inserting “or assume” after “agree to  
 5           share” in subsection (a)(1); and

6           (4) by striking “section 24707 (a) or (b) of this  
 7           title” in subsections (a)(2) and (b)(1) and inserting  
 8           “paragraph (1)”.

9           (d) **COST AND PERFORMANCE REVIEW.**—Section  
 10          24707 of title 49, United States Code, and the item relat-  
 11          ing thereto in the table of sections of chapter 247 of such  
 12          title, are repealed.

13          (e) **SPECIAL COMMUTER TRANSPORTATION.**—Section  
 14          24708 of title 49, United States Code, and the item relat-  
 15          ing thereto in the table of sections of chapter 247 of such  
 16          title, are repealed.

17          (f) **CONFORMING AMENDMENT.**—Section  
 18          24312(a)(1) of title 49, United States Code, is amended  
 19          by striking “, 24701(a),”.

20          **SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPOR-**  
 21          **TATION.**

22          (a) **REPEAL.**—Section 24306 of title 49, United  
 23          States Code, is amended—

24                  (1) by striking the last sentence of subsection  
 25                  (a); *and*

1           ~~(2) by striking paragraphs (1) and (2) of sub-~~  
 2           ~~section (b); and~~

3           ~~(3) by striking “(3) State” and inserting~~  
 4           ~~“State”.~~

5           (2) *by striking subsection (b) and inserting the*  
 6           *following:*

7           “(b) *AUTHORITY OF OTHERS TO PROVIDE AUTO-*  
 8           *FERRY TRANSPORTATION.—State and local laws and regu-*  
 9           *lations that impair the provision of auto-ferry transpor-*  
 10           *tation do not apply to Amtrak or a rail carrier providing*  
 11           *auto-ferry transportation. A rail carrier may not refuse to*  
 12           *participate with Amtrak in providing auto-ferry transpor-*  
 13           *tation because a State or local law or regulation makes the*  
 14           *transportation unlawful.”.*

15   **SEC. 103. ROUTE AND SERVICE CRITERIA.**

16           Section 24703 of title 49, United States Code, and  
 17           the item relating thereto in the table of sections of chapter  
 18           247 of such title, are repealed.

19   **SEC. 104. ADDITIONAL QUALIFYING ROUTES.**

20           Section 24705 of title 49, United States Code, and  
 21           the item relating thereto in the table of sections of chapter  
 22           247 of such title, are repealed.



1 **SEC. 105. TRANSPORTATION REQUESTED BY STATES, AU-**  
 2 **THORITIES, AND OTHER PERSONS.**

3 Section 24101(c)(2) of title 49, United States Code,  
 4 is amended by inserting “, separately or in combination,”  
 5 after “and the private sector”.

6 **SEC. 106. AMTRAK COMMUTER.**

7 (a) REPEAL OF CHAPTER 245.—Chapter 245 of title  
 8 49, United States Code, and the item relating thereto in  
 9 the table of chapters of subtitle V of such title, are re-  
 10 pealed.

11 (b) CONFORMING AMENDMENT.—Section 24301(f) of  
 12 title 49, United States Code, is amended to read as fol-  
 13 lows:

14 “(f) TAX EXEMPTION FOR CERTAIN COMMUTER AU-  
 15 THORITIES.—A commuter authority that was eligible to  
 16 make a contract with Amtrak Commuter to provide com-  
 17 muter rail passenger transportation but which decided to  
 18 provide its own rail passenger transportation beginning  
 19 January 1, 1983, is exempt, effective October 1, 1981,  
 20 from paying a tax or fee to the same extent Amtrak is  
 21 exempt.”.

22 (c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal  
 23 of chapter 245 of title 49, United States Code, by sub-  
 24 section (a) of this section is without prejudice to the reten-  
 25 tion of trackage rights over property owned or leased by  
 26 commuter authorities.

1 **SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH**  
 2 **INTERCITY BUS OPERATIONS.**

3 (a) IN GENERAL.—Section 24305(a) of title 49,  
 4 United States Code, is amended by adding at the end the  
 5 following new paragraph:

6 “(3)(A) Except as provided in subsection (d)(2), Am-  
 7 trak may enter into a contract with a motor carrier of  
 8 passengers for the intercity transportation of passengers  
 9 by motor carrier over regular routes only—

10 “(i) if the motor carrier is not a public recipient  
 11 of governmental assistance, as such term is defined  
 12 in section ~~10922(d)(1)(F)(i)~~ *13902(b)(8)(A)* of this  
 13 title, other than a recipient of funds under section  
 14 ~~18 of the Federal Transit Act~~; *5311 of this title*;

15 “(ii) for passengers who have had prior move-  
 16 ment by rail or will have subsequent movement by  
 17 rail; and

18 “(iii) if the buses, when used in the provision  
 19 of such transportation, are used exclusively for the  
 20 transportation of passengers described in clause (ii).

21 “(B) Subparagraph (A) shall not apply to transpor-  
 22 tation funded predominantly by a State or local govern-  
 23 ment, or to ticket selling agreements.”.

24 (b) POLICY STATEMENT.—Section 24305(d) of title  
 25 49, United States Code, is amended by adding at the end  
 26 the following new paragraph:

1       “(3) Congress encourages Amtrak and motor com-  
 2 mon carriers of passengers to use the authority conferred  
 3 in section 11342(a) of this title for the purpose of provid-  
 4 ing improved service to the public and economy of oper-  
 5 ation.”.

6 **SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.**

7       (a) IN GENERAL.—Notwithstanding any other provi-  
 8 sion of law (other than section 24305(a) of title 49, United  
 9 States Code), Amtrak and motor carriers of passengers  
 10 are authorized—

11           (1) to combine or package their respective serv-  
 12 ices and facilities to the public as a means of in-  
 13 creasing revenues; and

14           (2) to coordinate schedules, routes, rates, res-  
 15 ervations, and ticketing to provide for enhanced  
 16 intermodal surface transportation.

17       (b) REVIEW.—The authority granted by subsection  
 18 (a) is subject to review by the Surface Transportation  
 19 Board and may be modified or revoked by the Board if  
 20 modification or revocation is in the public interest.

21 **SEC. 109. PASSENGER CHOICE.**

22       Federal employees are authorized to travel on Am-  
 23 trak for official business where total travel cost from office  
 24 to office is competitive on a total trip or time basis.

1 **SEC. 110. APPLICATION OF CERTAIN LAWS.**

2 (a) APPLICATION OF FOIA.—Section 24301(e) of  
 3 title 49, United States Code, is amended by adding at the  
 4 end thereof the following: “Section 552 of title 5, United  
 5 States Code, applies to Amtrak for any fiscal year in which  
 6 Amtrak receives a Federal subsidy.”.

7 (b) APPLICATION OF FEDERAL PROPERTY AND AD-  
 8 MINISTRATIVE SERVICES ACT.—Section ~~304A(m)~~  
 9 *303B(m)* of the Federal Property and Administrative  
 10 Services Act of 1949 (41 U.S.C. ~~253b~~ *253b(m)*) applies  
 11 to a proposal in the possession or control of ~~Amtrak.~~  
 12 *Amtrak.*

13 **Subtitle B—Procurement**

14 **SEC. 121. CONTRACTING OUT.**

15 (a) CONTRACTING OUT REFORM.—Effective 180  
 16 days after the date of enactment of this Act, section 24312  
 17 of title 49, United States Code, is amended—

18 (1) by striking the paragraph designation for  
 19 paragraph (1) of subsection (a);

20 (2) by striking “(2)” in subsection (a)(2) and  
 21 inserting “(b)”; and

22 (3) by striking subsection (b).

23 The amendment made by paragraph (3) is without preju-  
 24 dice to the power of Amtrak to contract out the provision  
 25 of food and beverage services on board Amtrak trains or

1 to contract out work not resulting in the layoff of Amtrak  
2 employees.

3 (b) NOTICES.— Notwithstanding any arrangement in  
4 effect before the date of the enactment of this Act, notices  
5 under section 6 of the Railway Labor Act (45 U.S.C. 156)  
6 with respect to all issues relating to contracting out by  
7 Amtrak of work normally performed by an employee in  
8 a bargaining unit covered by a contract between Amtrak  
9 and a labor organization representing Amtrak employees,  
10 which are applicable to employees of Amtrak shall be  
11 deemed served and effective on the date which is 45 days  
12 after the date of the enactment of this Act. Amtrak, and  
13 each affected labor organization representing Amtrak em-  
14 ployees, shall promptly supply specific information and  
15 proposals with respect to each such notice. This subsection  
16 shall not apply to issues relating to provisions defining the  
17 scope or classification of work performed by an Amtrak  
18 employee. The issue for negotiation under this paragraph  
19 does not include the contracting out of work involving food  
20 and beverage services provided on Amtrak trains or the  
21 contracting out of work not resulting in the layoff of Am-  
22 trak employees.

23 (c) NATIONAL MEDIATION BOARD EFFORTS.— Ex-  
24 cept as provided in subsection (d), the National Mediation  
25 Board shall complete all efforts, with respect to the dis-

1   pute described in subsection (b), under section 5 of the  
 2   Railway Labor Act (45 U.S.C. 155) not later than 120  
 3   days after the date of the enactment of this Act.

4       (d) RAILWAY LABOR ACT ARBITRATION.—The par-  
 5   ties to the dispute described in subsection (b) may agree  
 6   to submit the dispute to arbitration under section 7 of the  
 7   Railway Labor Act (45 U.S.C. 157), and any award re-  
 8   sulting therefrom shall be retroactive to the date which  
 9   is 120 days after the date of the enactment of this Act.

10       (e) DISPUTE RESOLUTION.—

11           (1) With respect to the dispute described in  
 12   subsection (b) which—

13               (A) is unresolved as of the date which is  
 14               120 days after the date of the enactment of this  
 15               Act; and

16               (B) is not submitted to arbitration as de-  
 17               scribed in subsection (d),

18   Amtrak shall, and the labor organizations that are  
 19   parties to such dispute shall, within 127 days after  
 20   the date of the enactment of this Act, each select an  
 21   individual from the entire roster of arbitrators main-  
 22   tained by the National Mediation Board. Within 134  
 23   days after the date of the enactment of this Act, the  
 24   individuals selected under the preceding sentence  
 25   shall jointly select an individual from such roster to

1 make recommendations with respect to such dispute  
2 under this subsection. If the National Mediation  
3 Board is not informed of the selection of the individ-  
4 ual under the preceding sentence 134 days after the  
5 date of enactment of this Act, the Board will imme-  
6 diately select such individual.

7 (2) No individual shall be selected under para-  
8 graph (1) who is pecuniarily or otherwise interested  
9 in any organization of employees or any railroad or  
10 who is selected pursuant to section 141(d) of this  
11 Act.

12 (3) The compensation of individuals selected  
13 under paragraph (1) shall be fixed by the National  
14 Mediation Board. The second paragraph of section  
15 10 of the Railway Labor Act (45 U.S.C. 160) shall  
16 apply to the expenses of such individuals as if such  
17 individuals were members of a board created under  
18 such section 10.

19 (4) If the parties to a dispute described in sub-  
20 section (b) fail to reach agreement within 150 days  
21 after the date of the enactment of this Act, the indi-  
22 vidual selected under paragraph (1) with respect to  
23 such dispute shall make recommendations to the  
24 parties proposing contract terms to resolve the dis-  
25 pute.

1           (5) If the parties to a dispute described in sub-  
 2           section (b) fail to reach agreement, no change shall  
 3           be made by either of the parties in the conditions  
 4           out of which the dispute arose for 30 days after rec-  
 5           ommendations are made under paragraph (4).

6           (6) Section 10 of the Railway Labor Act (45  
 7           U.S.C. 160) shall not apply to a dispute described  
 8           in subsection (b).

9           (f) NO PRECEDENT FOR FREIGHT.—Nothing in this  
 10          section shall be a precedent for the resolution of any dis-  
 11          pute between a freight railroad and any labor organization  
 12          representing that railroad’s employees.

## 13       **Subtitle C—Employee Protection** 14                               **Reforms**

### 15   **SEC. 141. RAILWAY LABOR ACT PROCEDURES.**

16          (a) NOTICES.—Notwithstanding any arrangement in  
 17          effect before the date of the enactment of this Act, notices  
 18          under section 6 of the Railway Labor Act (45 U.S.C. 156)  
 19          with respect to all issues relating to employee protective  
 20          arrangements and severance benefits which are applicable  
 21          to employees of Amtrak, including all provisions of Appen-  
 22          dix C–2 to the National Railroad Passenger Corporation  
 23          Agreement, signed July 5, 1973, shall be deemed served  
 24          and effective on the date which is 45 days after the date  
 25          of the enactment of this Act. Amtrak, and each affected



1 labor organization representing Amtrak employees, shall  
2 promptly supply specific information and proposals with  
3 respect to each such notice.

4 (b) NATIONAL MEDIATION BOARD EFFORTS.—Ex-  
5 cept as provided in subsection (c), the National Mediation  
6 Board shall complete all efforts, with respect to the dis-  
7 pute described in subsection (a), under section 5 of the  
8 Railway Labor Act (45 U.S.C. 155) not later than 120  
9 days after the date of the enactment of this Act.

10 (c) RAILWAY LABOR ACT ARBITRATION.—The par-  
11 ties to the dispute described in subsection (a) may agree  
12 to submit the dispute to arbitration under section 7 of the  
13 Railway Labor Act (45 U.S.C. 157), and any award re-  
14 sulting therefrom shall be retroactive to the date which  
15 is 120 days after the date of the enactment of this Act.

16 (d) DISPUTE RESOLUTION.—

17 (1) With respect to the dispute described in  
18 subsection (a) which

19 (A) is unresolved as of the date which is  
20 120 days after the date of the enactment of this  
21 Act; and

22 (B) is not submitted to arbitration as de-  
23 scribed in subsection (c), Amtrak shall, and the  
24 labor organization parties to such dispute shall,  
25 within 127 days after the date of the enactment

1           of this Act, each select an individual from the  
2           entire roster of arbitrators maintained by the  
3           National Mediation Board. Within 134 days  
4           after the date of the enactment of this Act, the  
5           individuals selected under the preceding sen-  
6           tence shall jointly select an individual from such  
7           roster to make recommendations with respect to  
8           such dispute under this subsection. If the Na-  
9           tional Mediation Board is not informed of the  
10          selection under the preceding sentence 134 days  
11          after the date of enactment of this Act, the  
12          Board will immediately select such individual.

13          (2) No individual shall be selected under para-  
14          graph (1) who is pecuniarily or otherwise interested  
15          in any organization of employees or any railroad or  
16          who is selected pursuant to section 121(e) of this  
17          Act.

18          (3) The compensation of individuals selected  
19          under paragraph (1) shall be fixed by the National  
20          Mediation Board. The second paragraph of section  
21          10 of the Railway Labor Act shall apply to the ex-  
22          penses of such individuals as if such individuals were  
23          members of a board created under such section 10.

24          (4) If the parties to a dispute described in sub-  
25          section (a) fail to reach agreement within 150 days

1 after the date of the enactment of this Act, the indi-  
2 vidual selected under paragraph (1) with respect to  
3 such dispute shall make recommendations to the  
4 parties proposing contract terms to resolve the dis-  
5 pute.

6 (5) If the parties to a dispute described in sub-  
7 section (a) fail to reach agreement, no change shall  
8 be made by either of the parties in the conditions  
9 out of which the dispute arose for 30 days after rec-  
10 ommendations are made under paragraph (4).

11 (6) Section 10 of the Railway Labor Act (45  
12 U.S.C. 160) shall not apply to a dispute described  
13 in subsection (a).

14 **SEC. 142. SERVICE DISCONTINUANCE.**

15 (a) REPEAL.—Section 24706(c) of title 49, United  
16 States Code, is repealed.

17 (b) EXISTING CONTRACTS.—Any provision of a con-  
18 tract entered into before the date of the enactment of this  
19 Act between Amtrak and a labor organization representing  
20 Amtrak employees relating to employee protective ar-  
21 rangements and severance benefits applicable to employees  
22 of Amtrak is extinguished, including all provisions of Ap-  
23 pendix C–2 to the National Railroad Passenger Corpora-  
24 tion Agreement, signed July 5, 1973.

1 (c) SPECIAL EFFECTIVE DATE.—Subsections (a) and  
 2 (b) of this section shall take effect 180 days after the date  
 3 of the enactment of this Act.

4 (d) NONAPPLICATION OF BANKRUPTCY LAW PROVI-  
 5 SION.—Section 1172(c) of title 11, United States Code,  
 6 shall not apply to Amtrak and its employees.

## 7 **Subtitle D—Use of Railroad** 8 **Facilities**

### 9 **SEC. 161. LIABILITY LIMITATION.**

10 (a) AMENDMENT.—Chapter 281 of title 49, United  
 11 States Code, is amended by adding at the end the follow-  
 12 ing new section:

#### 13 **“§ 28103. Limitations on rail passenger transpor-** 14 **tation liability**

15 “(a) LIMITATIONS.—

16 “(1) Notwithstanding any other statutory or  
 17 common law or public policy, or the nature of the  
 18 conduct giving rise to damages or liability, a con-  
 19 tract between Amtrak and its ~~passengers, the Alaska~~  
 20 ~~Railroad and its passengers,~~ *passengers* or private  
 21 railroad car operators and their passengers regard-  
 22 ing claims for personal injury, death, or damage to  
 23 property arising from or in connection with the pro-  
 24 vision of rail passenger transportation, or from or in  
 25 connection with any operations over or use of right-

1 of-way or facilities owned, leased, or maintained by  
 2 ~~Amtrak or the Alaska Railroad~~, *Amtrak*, or from or  
 3 in connection with any rail passenger transportation  
 4 operations over or rail passenger transportation use  
 5 of right-of-way or facilities owned, leased, or main-  
 6 tained by any high-speed railroad authority or oper-  
 7 ator, any commuter authority or operator, or any  
 8 rail carrier shall be enforceable if—

9 “(A) punitive or exemplary damages,  
 10 where permitted, are not limited to less than 2  
 11 times compensatory damages awarded to any  
 12 claimant by any State or Federal court or ad-  
 13 ministrative agency, or in any arbitration pro-  
 14 ceeding, or in any other forum or \$250,000,  
 15 whichever is greater; and

16 “(B) passengers are provided adequate no-  
 17 tice of any such contractual limitation or waiver  
 18 or choice of forum.

19 “(2) For purposes of this subsection, the term  
 20 ‘claim’ means a claim made directly or indirectly—

21 “(A) against Amtrak, any high-speed rail-  
 22 road authority or operator, any commuter au-  
 23 thority or operator, or any rail carrier ~~including~~  
 24 ~~the Alaska Railroad~~ or private rail car opera-  
 25 tors; or

1           “(B) against an affiliate engaged in rail-  
 2           road operations, officer, employee, or agent of,  
 3           Amtrak, any high-speed railroad authority or  
 4           operator, any commuter authority or operator,  
 5           or any rail carrier.

6           “(3) Notwithstanding paragraph (1)(A), in any case  
 7           in which death was caused, the law of the place where  
 8           the act or omission complained of occurred provides, or  
 9           has been construed to provide, for damages only punitive  
 10          in nature, a claimant may recover in a claim limited by  
 11          this subsection for actual or compensatory damages meas-  
 12          ured by the pecuniary injuries, resulting from such death,  
 13          to the persons for whose benefit the action was brought,  
 14          subject to the provisions of paragraph (1).

15          ~~(b)~~ “(b) INDEMNIFICATION OBLIGATION.—Obliga-  
 16          tions of any party, however arising, including obligations  
 17          arising under leases or contracts or pursuant to orders  
 18          of an administrative agency, to indemnify against damages  
 19          or liability for personal injury, death, or damage to prop-  
 20          erty described in ~~subsection~~ *subsection* (a), incurred after  
 21          the ~~death~~ *date* of the enactment of the Amtrak Reform  
 22          and Accountability Act of 1997, shall be enforceable, not-  
 23          withstanding any other statutory or common law or pub-  
 24          lic policy, or the nature of the conduct giving rise to the  
 25          damages or ~~liability~~ *liability*.”.

1 (c) CONFORMING AMENDMENT.—The table of sec-  
 2 tions of chapter 281 of title 49, United States Code, is  
 3 amended by adding at the end the following new item:

“28103. Limitations on rail passenger transportation liability.”.

4 **SEC. 162. RETENTION OF FACILITIES.**

5 *Section 24309(b) of title 49, United States Code, is*  
 6 *amended by inserting “or on January 1, 1997,” after*  
 7 *“1979.”.*

8 **TITLE II—FISCAL**  
 9 **ACCOUNTABILITY**

10 **SEC. 201. AMTRAK FINANCIAL GOALS.**

11 Section 24101(d) of title 49, United States Code, is  
 12 amended by adding at the end thereof the following: “Am-  
 13 trak shall prepare a financial plan to operate within the  
 14 funding levels authorized by section 24104 of this chapter,  
 15 including budgetary goals for fiscal years 1998 through  
 16 2002. Commencing no later than the fiscal year following  
 17 the fifth anniversary of the Amtrak Reform and Account-  
 18 ability Act of 1997, Amtrak shall operate without Federal  
 19 operating grant funds appropriated for its benefit.”.

20 **SEC. 202. INDEPENDENT ASSESSMENT.**

21 (a) INITIATION.—Not later than 15 days after the  
 22 date of enactment of this Act, the Secretary of Transpor-  
 23 tation shall contract with an entity independent of Amtrak  
 24 and not in any contractual relationship with Amtrak and  
 25 of the Department of Transportation to conduct a com-

1 plete independent assessment of the financial require-  
 2 ments of Amtrak through fiscal year 2002. The entity  
 3 shall have demonstrated knowledge about railroad indus-  
 4 try accounting requirements, including the uniqueness of  
 5 the industry and of Surface Transportation Board ac-  
 6 counting requirements. *The Department of Transportation,*  
 7 *Office of Inspector General, shall approve the entity's state-*  
 8 *ment of work and the award and shall oversee the contract.*  
 9 *In carrying out its responsibilities under the preceding sen-*  
 10 *tence, the Inspector General's Office shall perform such over-*  
 11 *view and validation or verification of data as may be nec-*  
 12 *essary to assure that the assessment conducted under this*  
 13 *subsection meets the requirements of this section.*

14 (b) ASSESSMENT CRITERIA.—The Secretary and Am-  
 15 trak shall provide to the independent entity estimates of  
 16 the financial requirements of Amtrak for the period de-  
 17 scribed above, using as a base the fiscal year 1997 appro-  
 18 priation levels established by the Congress. The independ-  
 19 ent assessment shall be based on an objective analysis of  
 20 Amtrak's funding needs.

21 (c) CERTAIN FACTORS TO BE TAKEN INTO AC-  
 22 COUNT.—The independent assessment shall take into ac-  
 23 count all relevant factors, including Amtrak's—

24 (1) cost allocation process and procedures;



1           (2) expenses related to intercity rail passenger  
 2           service, commuter service, and any other service Am-  
 3           trak provides;

4           (3) Strategic Business Plan, including Amtrak's  
 5           projected expenses, capital needs, ridership, and rev-  
 6           enue forecasts; and

7           (4) Amtrak's ~~debt obligations~~ *assets and liabil-*  
 8           *ities.*

9 *For purposes of paragraph (3), in the capital needs part*  
 10 *of its Strategic Business Plan Amtrak shall distinguish be-*  
 11 *tween that portion of the capital required for the Northeast*  
 12 *corridor and that required outside the Northeast corridor,*  
 13 *and shall include rolling stock requirements, including cap-*  
 14 *ital leases, "state of good repair" requirements, and infra-*  
 15 *structure improvements.*

16       (d) DEADLINE.—The independent assessment shall  
 17 be completed not later than ~~90~~ 180 days after the contract  
 18 is awarded, and shall be submitted to the Council estab-  
 19 lished under section 203, the Secretary of Transportation,  
 20 the Committee on Commerce, Science, and Transportation  
 21 of the United States Senate, and the Committee on Trans-  
 22 portation and Infrastructure of the United States House  
 23 of Representatives.

1 **SEC. 203. AMTRAK REFORM COUNCIL.**

2 (a) ESTABLISHMENT.—There is established an inde-  
3 pendent commission to be known as the Amtrak Reform  
4 Council.

5 (b) MEMBERSHIP.—

6 (1) IN GENERAL.—The Council shall consist of  
7 9 members, as follows:

8 (A) The Secretary of Transportation.

9 (B) Two individuals appointed by the  
10 President, of which—

11 (i) one shall be a representative of a  
12 rail labor organization; and

13 (ii) one shall be a representative of  
14 rail management.

15 (C) Two individuals appointed by the Ma-  
16 jority Leader of the United States Senate.

17 (D) One individual appointed by the Mi-  
18 nority Leader of the United States Senate.

19 (E) Two individuals appointed by the  
20 Speaker of the United States House of Rep-  
21 resentatives.

22 (F) One individual appointed by the Mi-  
23 nority Leader of the United States House of  
24 Representatives.

25 (2) APPOINTMENT CRITERIA.—

1 (A) TIME FOR INITIAL APPOINTMENTS.—

2 Appointments under paragraph (1) shall be  
3 made within 30 days after the date of enact-  
4 ment of this Act.

5 (B) EXPERTISE.—Individuals appointed  
6 under subparagraphs (C) through (F) of para-  
7 graph (1)—

8 (i) may not be employees of the Unit-  
9 ed States;

10 (ii) may not be board members or em-  
11 ployees of Amtrak;

12 (iii) may not be representatives of rail  
13 labor organizations or rail management;  
14 and

15 (iv) shall have technical qualifications,  
16 professional standing, and demonstrated  
17 expertise in the field of corporate manage-  
18 ment, finance, rail or other transportation  
19 operations, labor, economics, or the law, or  
20 other areas of expertise relevant to the  
21 Council.

22 (3) TERM.—Members shall serve for terms of 5  
23 years. If a vacancy occurs other than by the expira-  
24 tion of a term, the individual appointed to fill the  
25 vacancy shall be appointed in the same manner as,

1 and shall serve only for the unexpired portion of the  
2 term for which, that individual's predecessor was ap-  
3 pointed.

4 (4) CHAIRMAN.—The Council shall elect a  
5 chairman from among its membership within 15  
6 days after the earlier of—

7 (A) the date on which all members of the  
8 Council have been appointed under paragraph  
9 (2)(A); or

10 (B) 45 days after the date of enactment of  
11 this Act.

12 ~~(4)~~ (5) MAJORITY REQUIRED FOR ACTION.—A  
13 majority of the members of the Council present and  
14 voting is required for the Council to take action. No  
15 person shall be elected chairman of the Council who  
16 receives fewer than 5 votes.

17 (c) ADMINISTRATIVE SUPPORT.—The Secretary of  
18 Transportation shall provide such administrative support  
19 to the Council as it needs in order to carry out its duties  
20 under this section.

21 (d) TRAVEL EXPENSES.—Each member of the Coun-  
22 cil shall serve without pay, but shall receive travel ex-  
23 penses, including per diem in lieu of subsistence, in ac-  
24 cordance with section 5702 and 5703 of title 5, United  
25 States Code.

1 (e) MEETINGS.—Each meeting of the Council, other  
 2 than a meeting at which proprietary information is to be  
 3 discussed, shall be open to the public.

4 (f) ACCESS TO INFORMATION.—Amtrak shall make  
 5 available to the Council all information the Council re-  
 6 quires to carry out its duties under this section. The Coun-  
 7 cil shall establish appropriate procedures to ensure against  
 8 the public disclosure of any information obtained under  
 9 this subsection that is a trade secret or commercial or fi-  
 10 nancial information that is privileged or confidential.

11 (g) DUTIES.—

12 (1) EVALUATION AND RECOMMENDATION.—The  
 13 Council—

14 (A) shall evaluate Amtrak's performance;  
 15 and

16 (B) make recommendations to Amtrak for  
 17 achieving further cost containment and produc-  
 18 tivity improvements, and financial reforms.

19 (2) SPECIFIC CONSIDERATIONS.—In making its  
 20 evaluation and recommendations under paragraph  
 21 (1), the Council take consider all relevant perform-  
 22 ance factors, including—

23 (A) Amtrak's operation as a national pas-  
 24 senger rail system which provides access to all

1 regions of the country and ties together existing  
2 and emerging rail passenger corridors;

3 (B) appropriate methods for adoption of  
4 uniform cost and accounting procedures  
5 throughout the Amtrak system, based on gen-  
6 erally accepted accounting principles; and

7 (C) management efficiencies and revenue  
8 enhancements, including savings achieved  
9 through labor and contracting negotiations.

10 (h) ANNUAL REPORT.—Each year before the fifth  
11 anniversary of the date of enactment of this Act, the  
12 Council shall submit to the Congress a report that includes  
13 an assessment of Amtrak’s progress on the resolution or  
14 status of productivity issues; and makes recommendations  
15 for improvements and for any changes in law it believes  
16 to be necessary or appropriate.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to the Council such  
19 sums as may be necessary to enable the Council to carry  
20 out its duties.

21 **SEC. 204. SUNSET TRIGGER.**

22 (a) IN GENERAL.—If at any time *more than 2 years*  
23 *after the date of enactment of this Act and implementation*  
24 *of the financial plan referred to in section 201* the Amtrak  
25 Reform Council finds that—

1           (1) Amtrak’s business performance will prevent  
 2           it from meeting the financial goals set forth in sec-  
 3           tion 201; or

4           (2) Amtrak will require operating grant funds  
 5           after the fifth anniversary of the date of enactment  
 6           of this Act, then  
 7           the Council shall immediately notify the President, the  
 8           Committee on Commerce, Science, and Transportation of  
 9           the United States Senate; and the Committee on Trans-  
 10          portation and Infrastructure of the United States House  
 11          of Representatives.

12          (b) FACTORS CONSIDERED.—In making a finding  
 13          under subsection (a), the Council shall take into account—

14               (1) Amtrak’s performance;  
 15               (2) the findings of the independent assessment  
 16               conducted under section 202; ~~and~~  
 17               (3) *the level of Federal funds made available for*  
 18               *carrying out the financial plan referred to in section*  
 19               *201; and*

20               ~~(3)~~ (4) Acts of God, national emergencies, and  
 21               other events beyond the reasonable control of Am-  
 22               trak.

23          (c) ACTION PLAN.—Within 90 days after the Council  
 24          makes a finding under subsection (a), it shall develop and  
 25          submit to the Congress—

- 1           (1) an action plan for a restructured and  
 2           rationalized intercity rail passenger system; and  
 3           (2) an action plan for the complete liquidation  
 4           of Amtrak.

5 If the Congress does not approve by concurrent resolution  
 6 the implementation of the plan submitted under para-  
 7 graph (1) within 90 calendar days after it is submitted  
 8 to the Congress, then the Secretary of Transportation and  
 9 Amtrak shall implement the plan submitted under para-  
 10 graph (2).

11           (c) *ACTION PLAN.*—

12           (1) *DEVELOPMENT OF PLANS.*—*Within 90 days*  
 13           *after the Council makes a finding under subsection*  
 14           (i)—

15                   (A) *it shall develop and submit to the Con-*  
 16                   *gress an action plan for a restructured and*  
 17                   *rationalized national intercity rail passenger*  
 18                   *system; and*

19                   (B) *Amtrak shall develop and submit to the*  
 20                   *Congress an action plan for the complete liq-*  
 21                   *uidation of Amtrak, after having the plan re-*  
 22                   *viewed by the Inspector General of the Depart-*  
 23                   *ment of Transportation and the General Ac-*  
 24                   *counting Office for accuracy and reasonableness.*



1           (2) CONGRESSIONAL ACTION OR INACTION.—If  
2       within 90 days after receiving the plans submitted  
3       under paragraph (1), an Act to implement a restruc-  
4       tured and rationalized intercity rail passenger sys-  
5       tem does not become law, then Amtrak shall imple-  
6       ment the liquidation plan developed under paragraph  
7       (1)(B) after such modification as may be required to  
8       reflect the recommendations, if any, of the Inspector  
9       General of the Department of Transportation and  
10      the General Accounting Office.

11 **SEC. 205. ACCESS TO RECORDS AND ACCOUNTS.**

12      Section 24315 of title 49, United States Code, is  
13      amended by adding at the end the following new sub-  
14      section:

15      “(h) ACCESS TO RECORDS AND ACCOUNTS.—A State  
16      shall have access to Amtrak’s records, accounts, and other  
17      necessary documents used to determine the amount of any  
18      payment to Amtrak required of the State.”.

19 **SEC. 206. OFFICERS’ PAY.**

20      Section 24303(b) of title 49, United States Code, is  
21      amended by adding at the end the following: “The preced-  
22      ing sentence shall not apply for any fiscal year for which  
23      no Federal assistance is provided to Amtrak.”.

1 **SEC. 207. EXEMPTION FROM TAXES.**

2 (a) IN GENERAL.—Subsection (l) of section 24301 of  
3 title 49, United States Code, is amended—

4 (1) by striking so much of the subsection as  
5 precedes “*or a rail carrier*” in paragraph ~~(1)~~ para-  
6 graph (1) as precedes “*exempt*” and inserting the fol-  
7 lowing:

8 “~~(1) EXEMPTION FROM TAXES LEVIED AFTER SEP-~~  
9 ~~TEMBER 30, 1981.—~~

10 “(1) IN GENERAL.—~~Amtrak~~, *Amtrak*, a rail  
11 carrier subsidiary of *Amtrak*, and any passenger or  
12 other customer of *Amtrak* or such subsidiary, are”;

13 (2) by inserting “, and any passenger or other  
14 customer of ~~Amtrak~~ or such subsidiary,” in para-  
15 graph ~~(1)~~ after “*subsidiary of Amtrak*”;

16 ~~(3)~~ (2) by striking “*tax* or fee imposed” in  
17 paragraph (1) and all that follows through “levied  
18 on it” and inserting “*tax*, fee, head charge, or other  
19 charge, imposed or levied by a State, political sub-  
20 division, or local taxing authority on *Amtrak*, a rail  
21 carrier subsidiary of *Amtrak*, or on persons traveling  
22 in intercity rail passenger transportation or on mail  
23 or express transportation provided by *Amtrak* or  
24 such a subsidiary, or on the carriage of such per-  
25 sons, mail, or express, or on the sale of any such

1 transportation, or on the gross receipts derived  
2 therefrom”;

3 ~~(4)~~ (3) by striking the last sentence of para-  
4 graph (1);

5 ~~(5)~~ (4) by striking “(2) The” in paragraph (2)  
6 and inserting “(3) JURISDICTION OF UNITED  
7 STATES DISTRICT COURTS.—The”; and

8 ~~(6)~~ (5) by inserting after paragraph (1) the fol-  
9 lowing:

10 “(2) PHASE-IN OF EXEMPTION FOR CERTAIN  
11 EXISTING TAXES AND FEES.—

12 “(A) YEARS BEFORE 2000.—Notwith-  
13 standing paragraph (1), Amtrak is exempt from  
14 a tax or fee referred to in paragraph (1) that  
15 Amtrak was required to pay as of September  
16 10, 1982, during calendar years 1997 through  
17 1999, only to the extent specified in the follow-  
18 ing table:

#### PHASE-IN OF EXEMPTION

Year of assessment	Percentage of exemption
1997	40
1998	60
1999	80
2000 and later years	100

19 “(B) TAXES ASSESSED AFTER MARCH, 1999.—

20 Amtrak shall be exempt from any tax or fee referred

1 to in subparagraph (A) that is assessed on or after  
2 April 1, 1999.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) do not apply to sales taxes imposed on  
5 intrastate travel as of the date of enactment of this Act.

## 6 **TITLE III—AUTHORIZATION OF** 7 **APPROPRIATIONS**

### 8 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 24104(a) of title 49, United States Code, is  
10 amended to read as follows:

11 “(a) IN GENERAL.—There are authorized to be ap-  
12 propriated to the Secretary of Transportation—

13 “(1) \$1,138,000,000 for fiscal year 1998;

14 “(2) \$1,058,000,000 for fiscal year 1999;

15 “(3) \$1,023,000,000 for fiscal year 2000;

16 “(4) \$989,000,000 for fiscal year 2001; and

17 “(5) \$955,000,000 for fiscal year 2002,

18 for the benefit of Amtrak for capital expenditures under  
19 chapters 243 and 247 of this title, operating expenses, and  
20 payments described in subsection (c)(1)(A) through (C).

21 In fiscal years following the fifth anniversary of the enact-  
22 ment of the Amtrak Reform and Accountability Act of  
23 1997 no funds authorized for Amtrak shall be used for  
24 operating expenses other than those prescribed for tax li-  
25 abilities under section 3221 of the Internal Revenue Code

1 of 1986 that are more than the amount needed for bene-  
 2 fits of individuals who retire from Amtrak and for their  
 3 beneficiaries.”.

## 4 **TITLE IV—MISCELLANEOUS**

### 5 **SEC. 401. STATUS AND APPLICABLE LAWS.**

6 Section 24301 of title 49, United States Code, is  
 7 amended—

8 (1) by striking “rail carrier under section  
 9 10102” in subsection (a)(1) and inserting “railroad  
 10 carrier under section 20102(2) and chapters 261  
 11 and 281”; and

12 (2) by amending subsection (c) to read as fol-  
 13 lows:

14 “(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of  
 15 this title shall not apply to Amtrak, except for sections  
 16 ~~11303, 11342(a), 11504(a) and (d), and 11707.~~ *11301,*  
 17 *11322(a), 11502(a) and (d), and 11706.* Notwithstanding  
 18 the preceding sentence, Amtrak shall continue to be con-  
 19 sidered an employer under the Railroad Retirement Act  
 20 of 1974, the Railroad Unemployment Insurance Act, and  
 21 the Railroad Retirement Tax Act.”.

### 22 **SEC. 402. WASTE DISPOSAL.**

23 Section 24301(m)(1)(A) of title 49, United States  
 24 Code, is amended by striking “1996” and inserting  
 25 “2001”.

1 **SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.**

2 Section 24310 of title 49, United States Code, and  
3 the item relating thereto in the table of sections of chapter  
4 243 of such title, are repealed.

5 **SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.**

6 Section 24314 of title 49, United States Code, and  
7 the item relating thereto in the table of sections for chap-  
8 ter 243 of that title, are repealed.

9 **SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK**  
10 **MAIN LINE.**

11 (a) REPEAL.—Section 24903 of title 49, United  
12 States Code, is repealed and the table of sections for chap-  
13 ter 249 of such title is amended by striking the item relat-  
14 ing to that section.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 24902 of title 49, United States  
17 Code is amended by striking subsections (a), (c),  
18 and (d) and redesignating subsection (b) as sub-  
19 section (a) and subsections (e) through (m) as sub-  
20 sections (b) through (j), respectively.

21 (2) Section 24904(a)(8) is amended by striking  
22 “the high-speed rail passenger transportation area  
23 specified in section 24902(a) (1) and (2)” and in-  
24 serting “a high-speed rail passenger transportation  
25 area”.

1 **SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.**

2 (a) APPLICATION TO AMTRAK.—

3 (1) ACCESS IMPROVEMENTS AT CERTAIN  
4 SHARED STATIONS.—Amtrak is responsible for its  
5 share, if any, of the costs of accessibility improve-  
6 ments at any station jointly used by Amtrak and a  
7 commuter authority.

8 (2) CERTAIN REQUIREMENTS NOT TO APPLY  
9 UNTIL 1998.—Amtrak shall not be subject to any re-  
10 quirement under subsection (a)(1), (a)(3), or (e)(2)  
11 of section 242 of the Americans With Disabilities  
12 Act of 1990 (42 U.S.C. 12162) until January 1,  
13 1998.

14 (b) CONFORMING AMENDMENT.—Section 24307 of  
15 title 49, United States Code, is amended—

16 (1) by striking subsection (b); and

17 (2) by redesignating subsection (c) as sub-  
18 section (b).

19 **SEC. 407. DEFINITIONS.**

20 Section 24102 of title 49, United States Code, is  
21 amended—

22 (1) by striking paragraphs (2) and (11);

23 (2) by redesignating paragraphs (3) through  
24 ~~(8)~~ (10) as paragraphs (2) through ~~(7)~~, (9), respec-  
25 tively; *and*

1           (3) by inserting “, including a unit of State or  
2           local government,” after “means a person” in para-  
3           graph (7), as so ~~redesignated~~; and *redesignated*.

4           ~~(4) by inserting after paragraph (7), as so re-~~  
5           ~~designated, the following new paragraph:~~

6           ~~“(8) ‘rail passenger transportation’ means the~~  
7           ~~interstate, intrastate, or international transportation~~  
8           ~~of passengers by rail, including mail and express.”.~~

9   **SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.**

10          Section 1163 of the Northeast Rail Service Act of  
11   1981 (45 U.S.C. 1111) is repealed.

12   **SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.**

13          (a) AMENDMENT.—

14           (1) IN GENERAL.—Section 8G(a)(2) of the In-  
15          specter General Act of 1978 (5 U.S.C. App.) is  
16          amended by striking “Amtrak,”.

17           (2) EFFECTIVE DATE.—The amendment made  
18          by paragraph (1) takes effect in the first fiscal year  
19          for which Amtrak receives no Federal subsidy.

20          (b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall  
21          not be considered a Federal entity for purposes of the In-  
22          specter General Act of 1978. The preceding sentence shall  
23          apply for any fiscal year for which Amtrak receives no  
24          Federal subsidy.

25          (c) *FEDERAL SUBSIDY*.—



1           (1) *ASSESSMENT.*—*In any fiscal year for which*  
2           *Amtrak requests Federal assistance, the Inspector*  
3           *General of the Department of Transportation shall re-*  
4           *view Amtrak's operations and conduct an assessment*  
5           *similar to the assessment required by section 202(a).*  
6           *The Inspector General shall report the results of the*  
7           *review and assessment to—*

8                     *(A) the President of Amtrak;*

9                     *(B) the Secretary of Transportation;*

10                    *(C) the United States Senate Committee on*  
11           *Appropriations;*

12                    *(D) the United States Senate Committee on*  
13           *Commerce, Science, and Transportation;*

14                    *(E) the United States House of Representa-*  
15           *tives Committee on Appropriations;*

16                    *(F) the United States House of Representa-*  
17           *tives Committee on Transportation and Infra-*  
18           *structure.*

19           (2) *REPORT.*—*The report shall be submitted, to*  
20           *the extent practicable, before any such committee re-*  
21           *ports legislation authorizing or appropriating funds*  
22           *for Amtrak for capital acquisition, development, or*  
23           *operating expenses.*

1           (3) *SPECIAL EFFECTIVE DATE.*—*This subsection*  
 2           *takes effect 1 year after the date of enactment of this*  
 3           *Act.*

4   **SEC. 410. INTERSTATE RAIL COMPACTS.**

5           (a) **CONSENT TO COMPACTS.**—Congress grants con-  
 6   sent to States with an interest in a specific form, route,  
 7   or corridor of intercity passenger rail service (including  
 8   high speed rail service) to enter into interstate compacts  
 9   to promote the provision of the service, including—

10           (1) retaining an existing service or commencing  
 11       a new service;

12           (2) assembling rights-of-way; and

13           (3) performing capital improvements, includ-  
 14       ing—

15           (A) the construction and rehabilitation of  
 16       maintenance facilities;

17           (B) the purchase of locomotives; and

18           (C) operational improvements, including  
 19       communications, signals, and other systems.

20           (b) **FINANCING.**—An interstate compact established  
 21   by States under subsection (a) may provide that, in order  
 22   to carry out the compact, the States may—

23           (1) accept contributions from a unit of State or  
 24       local government or a person;

1           (2) use any Federal or State funds made avail-  
 2           able for intercity passenger rail service (except funds  
 3           made available for the National Railroad Passenger  
 4           Corporation);

5           (3) on such terms and conditions as the States  
 6           consider advisable—

7                   (A) borrow money on a short-term basis  
 8                   and issue notes for the borrowing; and

9                   (B) issue bonds; and

10          (4) obtain financing by other means permitted  
 11          under Federal or State law.

12          (c) ELIGIBLE PROJECTS.—Section 133(b) of title 23,  
 13          United States Code, is amended by striking “and publicly  
 14          owned intracity or intercity bus terminals and ~~facilities~~”  
 15          *facilities.*” in paragraph (2) and inserting ~~a comma and~~  
 16          “*facilities*, including vehicles and facilities, publicly or pri-  
 17          vately owned, that are used to provide intercity passenger  
 18          service by bus or rail, or a combination of ~~both~~” *both.*”.

19          (d) ELIGIBILITY OF PASSENGER RAIL UNDER CON-  
 20          GESTION MITIGATION AND AIR QUALITY IMPROVEMENT  
 21          PROGRAM.—The first sentence of section 149(b) of title  
 22          23, United States Code, is amended—

23                   (1) by striking “or” at the end of paragraph  
 24                   (3);

1           (2) by striking the period at the end of para-  
 2       graph (4); and “standard.” in paragraph (4) and in-  
 3       serting “standard; or”

4           (3) by adding at the end thereof inserting after  
 5       paragraph (4) the following:

6           “(5) if the project or program will have air  
 7       quality benefits through construction of and oper-  
 8       ational improvements for intercity passenger rail fa-  
 9       cilities, operation of intercity passenger rail trains,  
 10      and acquisition of rolling stock for intercity pas-  
 11      senger rail service, except that not more than 50  
 12      percent of the amount received by a State for a fis-  
 13      cal year under this paragraph may be obligated for  
 14      operating support.”.

15       (e) ELIGIBILITY OF PASSENGER RAIL AS NATIONAL  
 16      HIGHWAY SYSTEM PROJECT.—Section 103(i) of title 23,  
 17      United States Code, is amended by adding at the end  
 18      thereof the following:

19           “(14) Construction, reconstruction, and reha-  
 20      bilitation of, and operational improvements for,  
 21      intercity rail passenger facilities (including facilities  
 22      owned by the National Railroad Passenger Corpora-  
 23      tion), operation of intercity rail passenger trains,  
 24      and acquisition or reconstruction of rolling stock for  
 25      intercity rail passenger service, except that not more

1       than 50 percent of the amount received by a State  
 2       for a fiscal year under this paragraph may be obli-  
 3       gated for operation.”.

4   **SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIREC-**  
 5                   **TORS.**

6       Section 24302(a) of title 49, United States Code, is  
 7   amended—

8           (1) by striking “3” in paragraph (1)(C) and in-  
 9       serting “4”;

10          (2) by striking clauses (i) and (ii) of paragraph  
 11       (1)(C) and inserting the following:

12                   “(i) one individual selected as a rep-  
 13                   resentative of rail labor in consultation  
 14                   with affected labor organizations.

15                   “(ii) one chief executive officer of a  
 16                   State, and one chief executive officer of a  
 17                   municipality, selected from among the  
 18                   chief executive officers of State and mu-  
 19                   nicipalities with an interest in rail trans-  
 20                   portation, each of whom may select an in-  
 21                   dividual to act as the officer’s representa-  
 22                   tive at board meetings.”;

23          (4) striking subparagraphs (D) and (E) of  
 24       paragraph (1);

1 (5) inserting after subparagraph (C) the follow-  
 2 ing:

3 “(D) 3 individuals appointed by the Presi-  
 4 dent of the United States, as follows:

5 “(i) one individual selected as a rep-  
 6 resentative of a commuter authority, as de-  
 7 fined in section 102 of the Regional Rail  
 8 Reorganization Act of 1973 (45 U.S.C.  
 9 702) that provides its own commuter rail  
 10 passenger transportation or makes a con-  
 11 tract with an operator, in consultation with  
 12 affected commuter authorities.

13 “(ii) one individual with technical ex-  
 14 pertise in finance and accounting prin-  
 15 ciples.

16 “(iii) one individual selected as a rep-  
 17 resentative of the general public.”; and

18 (6) by striking paragraph (6) and inserting the  
 19 following:

20 ~~“(6) The Secretary may be represented at a~~  
 21 ~~meeting of the board only by the Administrator of~~  
 22 ~~the Federal Railroad Administration.”.~~

23 “(6) *The Secretary may be represented at a*  
 24 *meeting of the Board by his designate.”.*

1 **SEC. 412. EDUCATIONAL PARTICIPATION.**

2 *Amtrak shall participate in educational efforts with*  
 3 *elementary and secondary schools to inform students on the*  
 4 *advantages of rail travel and the need for rail safety.*

5 **SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.**

6 *Within 120 days after the date of enactment of this*  
 7 *Act, the Comptroller General shall submit a report identify-*  
 8 *ing financial and other issues associated with an Amtrak*  
 9 *bankruptcy to the United States Senate Committee on Com-*  
 10 *merce, Science, and Transportation and to the United*  
 11 *States House of Representatives Committee on Transpor-*  
 12 *tation and Infrastructure. The report shall include an anal-*  
 13 *ysis of the implications of such a bankruptcy on the Federal*  
 14 *government, Amtrak's creditors, and the Railroad Retire-*  
 15 *ment System.*

16 **SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RE-**  
 17 **LATIONSHIPS.**

18 *If, at any time, Amtrak enters into a consulting con-*  
 19 *tract or similar arrangement, or a contract for lobbying,*  
 20 *with a lobbying firm, an individual who is a lobbyist, or*  
 21 *who is affiliated with a lobbying firm, as those terms are*  
 22 *defined in section 3 of the Lobbying Disclosure Act of 1995*  
 23 *(2 U.S.C. 1602), Amtrak shall notify the United States Sen-*  
 24 *ate Committee on Commerce, Science, and Transportation,*  
 25 *and the United States House of Representatives Committee*  
 26 *on Transportation and Infrastructure of—*

- 1           (1) *the name of the individual or firm involved;*
- 2           (2) *the purpose of the contract or arrangement;*
- 3       *and*
- 4           (3) *the amount and nature of Amtrak's financial*
- 5       *obligation under the contract.*